



PATENT  
Docket No.: 53375/1439

61A  
NE,  
LATE!

1/8/03  
R

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Takayuki SUZUKI, et al  
SERIAL NO. : 09/909,980  
FILED : 23 July 2001  
FOR : ENDOSCOPE AND ENDOSCOPIC INSTRUMENT AND  
METHOD USING SAME  
GROUP ART UNIT : 3739  
EXAMINER : John MULCAHY  
ASSISTANT COMMISSIONER  
FOR PATENTS  
Washington, DC 20231

RECEIVED  
JAN 07 2003  
TECHNOLOGY CENTER R3700

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

S I R:

In response to the Office Action mailed October 3, 2002, Applicants hereby elect without traverse the invention of Group 1, and the species embodied in figures 28-30. The claims readable thereon are claims 1 - 4, 6 - 12 and newly added claim 20. Please amend the following claims pursuant to this restriction requirement:

Please cancel claims 5, 13-19 without prejudice to filing in a divisional application.

Please amend the claims to read as follows:

1. (Amended) An apparatus for forming an artificial valve to treat gastroesophageal reflux disease comprising:

a first endoscope to be inserted from the mouth into a body cavity;

a holding device extending out of the distal end of the first endoscope and holding a point of a digestive wall of the cavity body where the artificial valve is formed;